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C O N F I D E N T I A L CARACAS 001507

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [VE](#)  
SUBJECT: VENEZUELA: POTENTIAL FRAUD IN THE APPEALS PROCESS

REF: A. CARACAS 1444

[1](#)B. CARACAS 945

Classified By: Abelardo A. Arias, Political Counselor,  
for Reasons 1.4(b) and (d).

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Summary  
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[1](#)1. (C) Although the opposition has agreed to participate in the National Electoral Council's (CNE) signature appeals process ("reparos") on May 27-31, which if successful will prompt a recall vote against President Hugo Chavez, most in the opposition do not expect a fair and transparent process. The CNE already rejected 375,000 signatures on questionable grounds and will not permit the signatures to be appealed. Chavez opponents also worry that the CNE will manipulate other aspects of the process -- such as identity cards, daily tally sheets, and on-site computers -- to knock out signatures. They also fear the GOV will continue to convince and otherwise intimidate signers to withdraw their names. Combined, these efforts may be sufficient to whittle enough signatures away from the opposition's potential thin margin of victory. End summary.

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Fool Me Once...  
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[1](#)2. (C) The Carter Center and OAS released a statement April 30 stating that the National Electoral Council (CNE) had put in place the "necessary guarantees" for citizens to reaffirm or withdraw their signatures from the petition for a recall referendum against President Hugo Chavez. While the international observers naturally want to instill confidence in the May 27-31 appeals process ("reparos"), most in the opposition are convinced that the GOV will use every available method to prevent the referendum. After watching the CNE prune back the 3.4 million signatures collected last year to 1.9 million, Chavez opponents are wary of this next stage of the referendum process. The CNE's public approval ratings reflect this suspicion, falling to 40 percent in March while disapproval reached 56 percent, according to one poll. Fifty-one percent of those polled believed the GOV had too much influence over the CNE; only 27 percent believed the CNE is operating independently.

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Rejected Without Appeal  
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[1](#)3. (C) Most difficult to swallow for the opposition is the CNE's rejection of some 375,000 signatures outright, with no chance of appeal, for a variety of reasons, some justified, some not. The NGO Sumate told the Ambassador that about 250,000 of these signatures should have been eligible for appeals. For example, a viewer called in during a news show featuring Sumate to complain that her signature had been rejected without appeal for an incorrect date of birth. The Sumate reps pulled up a copy of the signature form and compared the information with the electoral registry, which matched perfectly. Another press report showed an identity card of a man dead 25 years but whose name appears in the CNE website as "rejected, with right to appeal." While the signature was possibly entered fraudulently with the deceased's information, how this signature passed to the appeals category is a mystery.

[1](#)4. (C) Coordinadora Democratica (CD) spokesperson Jesus Torrealba told poloff May 3 these rejections are becoming a "severe problem" for the CD, not just because of the numerical loss of signatures but also because CD negotiators had to agree to the figures to advance on the appeals process. Torrealba said the CD is considering a nationwide protest at the state offices of the CNE to protest the exclusion of these signers. Also, he said, some opposition members are considering legal action. Torrealba admitted that these moves are a way to express frustration rather than

to force the CNE to accept the signatures.

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Similar Handwriting  
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15. (C) During a CD briefing for the diplomatic corps on May 4 attended by the Ambassador and Polcouns, Alejandro Plaz of the NGO Sumate highlighted that the CNE sent 956,388 signatures to appeal because the signature forms were filled out, but necessarily signed, in the same handwriting (the "planillas planas"). Sumate concluded that 54 percent of these signatures were not made with similar handwriting and should have been validated. Plaz said an independent audit, reportedly carried out by an unnamed European firm, validated Sumate's analysis. (Note: The audit reveals that, regardless of the fairness of applying a new criteria after the fact, the CNE did not apply it consistently. Validating even half of these signatures would have put the opposition just short of the necessary 2.4 million threshold.)

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National Identity Card Games  
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16. (C) OAS chief observer Marcelo Alvarez told poloff April 22 he believed the verification of national identity cards ("cedulas") would pose a problem during the appeals process. The pro-GOV campaign committee Comando Ayacucho announced it was aware of an opposition attempt to falsify identity cards to boost appeals. Ayacucho's Ismael Garcia announced May 3 that his organization will mount an "anti-fraud operation" at the appeals centers. Rumors abound among Chavez opponents that the GOV will, in fact, falsify identity cards corresponding to valid signatures, substitute the photo with a Chavez supporter, and then send the person in the photo to withdraw the signature. Mere allegations of identity theft like these could also disrupt the appeals process, especially if the CNE were to react by changing procedures during the three-day period.

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Counting As We Go  
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17. (C) Opposition members are pleased the CNE agreed to execute daily tally sheets ("actas") as a record of the three days of appeals. The rules permit international observers to collect one of the four copies of each tally sheet, which the opposition hopes will reduce the chances for fraud. (Note: There are nearly 2,700 appeals centers, far more than the expected number of observers.) The opposition also plans to use the tally sheets to monitor daily progress in the appeals. The CNE, however, rejected 120,329 signatures collected last year because of missing or incorrectly filled out tally sheets. Chavez opponents also fear the CNE could similarly reject appeals.

18. (C) CNE computers stationed at appeals centers with more than 100 appeals are also a risk, according to CD reps. The rules state the computers will only be used to check whether signers appear in the database and not for counting appeals. CD appeals center coordinator Amado Dounia told poloff April 26 he believes the computers will be used to keep the Comando Ayacucho informed in real-time of the appeals results.

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Repent, Signer!  
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19. (C) The Comando Ayacucho claims its supporters will scour lists of signers to convince them to "repent" and retract their signatures (ref a). National Assembly Deputy Nicolas Maduro predicted publicly April 26 that 30 percent of the 1.9 million valid signatures would be retracted. Rumors persist of intimidation and harassment of public workers, passport applicants, and university candidates who signed the petition (ref b). Torrealba asserted that health sector NGOs had reported to the CD that public hospitals are denying medication to those who signed. Confederation of Workers of

Venezuela (CTV) Executive Secretary Pablo Castro told poloff April 30 the GOV may resort to cash payments to obtain retractions.

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When The Cat's Away  
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110. (C) CD representative Leonardo Carvajal told poloff April 28 he believed the CNE, the military units that support electoral events, and Chavez would "behave themselves" during the appeals process, specifically because of the presence of OAS Secretary General Gaviria and former President Carter. Once they leave, Carvajal asserted, the CNE would find a pretext to disqualify enough signatures to sink the referendum.

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Comment  
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11. (C) The victorious appeals scenarios we have seen from the opposition rely on close-to-ideal conditions. While any one of the risks outlined above is probably not enough to impede the process, a combination of them could whittle away enough of the opposition's slim margin of victory. Chavez is disposed to use any legal or quasi-legal means to avoid the referendum. The opposition's strategy is based on a massive turnout to demonstrate popular support and international observation to rein in GOV excesses. Our message continues to be support for a fair and transparent process open to international scrutiny.

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